A COLLECTION OF THE PROCEEDINGS IN THE HOUSE of COMMONS AGAINST THE

Lord *Verulam*, Viſcount St. *Albans*, Lord Chancellor of *England*, for Corruption and Bribery:

WITH

The ſeveral Debates and Speeches in the Houſe thereupon, by Sir *Edward Coke*, Mr. Recorder *Finch*, Sir *Robert Philips*, &c.

TOGETHER

With the Judgment given by the Lords againſt the ſaid Lord Chancellor, *A. D.* 1620.

LONDON:
Printed for *A. More*, near St. *Paul's*.
(Price Six Pence.)

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A COLLECTION OF THE PROCEEDNIGS, &c.

Die Jovis 15 *Martii*, 1620.

SIR *Robert Philips* reports from the Committee appointed to enquire into Abuſes in the Courts of Juſtice, *viz.* I am commanded from the ſaid Committee, to render an Account of ſome Abuſes in the Courts of Juſtice, which have been preſented unto us: In that which I ſhall deliver, are Three Parts; 1. The Perſon againſt whom it is alledged. 2. The

Matter alledged. 3. The Opinion of the Committee.

1. The Perſon againſt whom it is alledg'd, is no leſs than the Lord Chancellor; a Man ſo endued with all Parts both of Nature and Art, as that I will ſay no more of him, being not able to ſay enough. 2. The Matter alledged, is Corruption. 3. The Perſons by whom this is preſented to us, are Two, *Awbrey* and *Egerton*.

Awbrey's Petition ſaith, That he having a Cauſe depending before the Lord Chancellor, and being tired by Delays, was adviſed by ſome, that are near my Lord, to quicken the Way by more than ordinary Means, *viz.* by preſenting my Lord with 100 *l.* The poor Gentleman not able by any Means to come to his wiſh'd-for Port, ſtruck Sail at this, and made a ſhift to get 100 *l.* from the Uſurer; and having got it, went with Sir *George Haſtings* and Mr. *Jenkins* of *Gray's Inn*; and being come to my Lord's Houſe, they took the Money of him, and carry'd it in to my Lord Chancellor, and came out to him again, ſaying, My Lord was thankful, and aſſured him of good Succeſs in his Buſineſs. Sir *George Haſtings* acknowledges the giving of Advice, and carrying in of

Money

Money to my Lord, and ſaith, He preſented it to my Lord as from himſelf, and not from *Awbrey*. This is alſo confirm'd by divers Letters; but it wrought not the Effect which the Gentleman expected; for notwithſtanding this, he was ſtill delay'd.

Egerton ſheweth, That he deſiring to procure my Lord's Favour, was perſwaded by Sir *George Haſtings* and Sir *Richard Young*, to preſent my Lord with a Sum of Money. Before this Advice, he had given a Preſent of 52 *l.* and odd Shillings in Plate, as a Teſtimony of his Love; but yet reſts doubtful whether before his calling to Seal, or ſince. But now, by mortgaging his Eſtate, he got up 400 *l.* and ſends for Sir *George Haſtings* and Sir *Richard Young*, deſires their Aſſiſtance in preſenting this Money, and told them how much it was. They took it and carried it in, and preſented it to the Lord Chancellor, as a Gratuity from the Gentleman, for that my Lord (when he was Attorney) ſtood by him. My Lord (as they ſay) ſtarted at it firſt, ſaying, It was too much, he wou'd not take it; but at length was perſwaded, becauſe it was for Favours paſt, and took it; and the Gentleman returned him Thanks, ſaying, That

their

their Lord ſaid that he did not only enrich him, but laid a Tie on him to aſſiſt him in all juſt and lawful Buſineſs. Sir *George Haſtings* and Sir *Richard Young* acknowleg'd the receiving and Delivery of the Purſe, but ſaid they knew not what was in it.

Then a Queſtion was propos'd, whether there were any Suit depending during thoſe Offers, either in the Chancery or Star-Chamber; but there was no certain Evidence of it.

Thus you ſee Corruption laid to the Charge of a Judge too, a Great Judge, nay, to the Great Keeper of the King's Conſcience.

Another Point came in by the By; ſhewing that ſome indirect Means are ſometimes open (I fear too often) to the Courts of Juſtice. It concerns no leſs Man than a Divine, that is now a Biſhop, but then call'd Doctor *Field*. Mr. *Egerton* and he being acquainted, and Mr. *Egerton*'s Mind being troubled with the ill Succeſs of his Buſineſs, vented it to this Divine, who contrary to his Profeſſion, took upon him to Broke for him in ſuch a Manner, as was never preſidented by any. He made *Egerton* to acknowledge a Recognizance of 10000 *l.* with a Defeaſance, that if my

Lord

Lord Chancellor did decree it for him, 6000 *l.* was to be deſtributed amongſt thoſe Honourable Perſons that did ſollicite it for him; but if it did not go as they deſired, he promiſed in *Verbo Sacerdotis*, that he would deliver the Bonds again. This appear'd by Letters from the now Reverend Biſhop, but then Practical Doctor. Mr. *Johnſon* (a moral honeſt Man) perceiving that Mr. *Egerton* finding no Relief, did intend to prefer a Petition againſt my Lord Chancellor, by one *Heal*'s Means, took occaſion to talk with Mr. *Egerton*, asking him, why he would prefer ſuch a ſcandalous Petition againſt my Lord? He would have him take the Money out of the Petition, and then his Cauſe by the Mediation and Conference of ſome other Judge with my Lord, might be brought to a good End; and for Money, if he had lent any, he might be ſatisfied again. There was upon a Petition to the King by Sir *Rowland Egerton*, a Reference of this Matter to my Lord Chancellor, and Mr. *Edward Egerton* entred into 10000 Marks Bond.

He had treated with one Doctor *Sharp*, that if he would give 1100 *l.* he ſhould have his Deſire: We ſent for *Sharp*, but he denied that he ever contracted with him.

The

The Desire of the Committee was, to reform that which was amiss; and they thought fit to give as much Expedition as may be, because so Great a Man's Honour is soil'd with it, and therefore that further Inquisition be made this Afternoon, and when it is found, to be sent to the Lords.

Thus I have faithfully related what hath passed, and with as much Duty and Respect, as I might to my Lord Chancellor, I desire it to be carried out of the House with a favourable Construction.

Ordered,

That this Matter be further considered by the Committee this Afternoon.

Sabbati 17 *Martii*, 1620.

Sir *Robert Philips* made Report from the Committee of the Abuses in the Courts of Justice.

We met on *Thursday* in the Afternoon; the principal Thing wherein I desired to be satisfied, was, whether at the Time of giving those Gifts to the Lord Chancellor, there were any Suit depending before him? In *Awbrey*'s Case it appeared plainly there was something accidentally fell out in this Examination, and that is a Declaration of Sir *George Hastings*,

Haſtings, who hath been ſtruggling with himſelf betwixt Gratitude and Honeſty, but publick and private Goods meeting, he preferred the Publick, he pitying *Awbrey*'s Caſe, did give in a Box of 100 *l.* to the Lord Chancellor in thoſe Terms or the like, That it was to help *Awbrey* in his Cauſe, notwithſtanding not long after a very prejudicial and murthering Order was made againſt *Awbrey* in his Cauſe; whereupon Sir *George Haſtings* mov'd my Lord Chancellor to rectify this Order; my Lord promiſed to do it, but did it not. The Order was put into the Hands of one *Churchill*, (one of the Regiſters of the Chancery) by a Servant of the Lord Chancellor's.

There are Letters of *Awbrey* to the Lord Chancellor touching this Buſineſs.

Now for Mr. *Egerton*'s Caſe; as the Matter was of more Weight, ſo the Sum was of larger Extent, for there was 400 *l.* given then, and a Suit then depending in the Star-chamber, about which Time Sir *Rowland Egerton* did prefer a Petition to the King for a Reference unto the Lord Chancellor; whereupon my Lord cauſed him to enter into 10000 Marks Bond to ſtand to his Award. An Award was made, which was refuſed by *Edward Egerton*; there-

upon a Suit by the Lord Chancellor's Direction was commenced againſt him, and the Bond of 10000 Marks aſſigned over to Sir *Rowland Egerton*. About this Time *Edward Egerton* became acquainted with Doctor *Field*, relating his Cauſe unto him, who pitying him, ſent him to two worthy Gentlemen, Mr. *Damport* and Sir *John Butler* (who is now Dead;) he makes known his Caſe to them, and deſires them to be a Means to put off his Cauſe from hearing, becauſe his Witneſſes were not here. Whereupon *Damport* rode to the Marquis of *Buckingham* to have had his Letter to the Lord Chancellor to ſtop it; but the Marquis ſaid, he would not write, becauſe the Matter was already decreed, and he would not receive it. Mr. *Egerton* was drawn into a Bond of 10000 *l.* for 6000 *l.* and Mr. *Damport* being asked what he and Doctor *Field* ſhou'd have had of this Money, he ſaid, he did not remember what certain Sum, but he ſaid it was more than any Cauſe could deſerve in any Court of Juſtice.

In *Awbrey*'s Caſe this is to be added, That Sir *George Haſtings* being at *Hackney*, where he dwelt, was ſent for by the Lord Chancellor, and came unto him, and found him in Bed, who bid

him

him come near him, and willed the reſt to depart the Room, and then ſaid unto him, Sir *George*, I am ſure, you love me, and I know that you are not willing that any thing done by you ſhall reflect any Diſhonour upon me. I hear that one *Awbrey* pretends to petition againſt me; he is a Man that you have ſome Intereſt in, you may take him off if you pleaſe. Sir *George Haſtings* afterwards met with *Awbrey*, and ask'd whether he intended any ſuch Thing, and deſired to ſee it to ſhew the Lord Chancellor; which Sir *George* accordingly did, and deſired my Lord to do the poor Man Juſtice. My Lord promiſed to do it, and bad him bring his Counſel; they did ſo, but could have no Remedy; ſo the Petition went on. Sir *George Haſtings* ſometimes ſince had Conference with my Lord Chancellor; he told him, he muſt lay it upon his Lordſhip. If you do *George*, ſaid he, I muſt deny it upon my Honour.

Thus you ſee the Relation of what hath paſſed. Now for our Proceedings in it.

It is a Cauſe of great Weight, it concerns every Man here; for if the Fountains be muddy, what will the Streams be? If the Great Diſpenſer of the King's

Conſcience be corrupt, who can have any Courage to plead before him? I will preſent one Thing to you, and then make a Requeſt.

That which I move is, That we preſent this Buſineſs ſingly to the Lords, and deliver it without Exaſperation. One Precedent is for it in the like Caſe, for a Chancellor in a Cauſe of Corruption. *Secondly*, Becauſe the Party accuſed is a Peer of the Kingdom, ſitting in the Higher Houſe, whom we cannot meddle with. *Thirdly*, Becauſe we have no Power to give an Oath. That which I requeſt, is, that thoſe People which have been fetter'd with much Calamity by theſe Courſes, may by Petition to his Majeſty, or otherwiſe, have their Cauſes revived and reviſed.

Sir *Edward Sackvil.* This Noble Lord ſtands but yet ſuſpected; and I hold not thoſe Gentlemen, that have teſtified againſt him, competent Witneſſes. 1. Becauſe they ſpeak to diſcharge themſelves. 2. Becauſe if he be guilty, they were thoſe who tempted him. But yet if notwithſtanding you reſolve to ſend it up to the Lords, let it be preſented without any prejudicial Opinion, to be weighed in the Ballance of their Lordſhips Judgments. And if they

they think fit to examine these Witnesses, let them.

Sir *George Hastings*. This adds to my Grief; but this is my Resolution, I had rather perish with a just Sentence here, than escape with a guilty Conscience.

Some mov'd, that Sir *George Hastings* and Sir *Richard Young* shou'd be separated 'till the Matter were ended, but nothing ordered therein.

Mr. *Nevil*. After some Reluctation within me, I am resolved to speak what my Conscience moves me unto: I speak for the Good of my Country, the Honour of my King, and Advancement of Justice. Justice is the Fountain, the King the Head therof, clear as the Waters of *Siloah*, pure as the River of *Damascus*: But there is a derivative Justice brought unto us by Channels; those are often Muddy, and more bitter than the Waters of *Marah*; such Waters flow abundantly in Chancery. I will not touch upon the Person of him that sits in Court, for he is the Dispenser of the King's Conscience; but because some Motions are made against the Testimony of those Gentlemen, I will say this, I think them fit to sit here, because they are neither Delinquents nor Accused.

My

My Lord means to deny it upon his Honour; but I would not have that ſerve his Turn, for he himſelf hath made the Nobility ſwear in Chancery; therefore I would have their Lordſhips informed what Privileges they have loſt. Next I would have them note the luxuriant Authority of that Court, and how it is an inextricable Labyrinth, wherein reſideth ſuch a *Minotaur*, as gormondzeth the Liberty of all Subjects whatſoever.

Mr. Recorder *Finch*. If we ſhall make but a Preſentation of this, we do in a ſort accuſe him, nay, judge him, if the Gentlemen be admitted to give Teſtimony, before it ſhall condemn another, it muſt agree with it ſelf.

Firſt, I heard him ſay, he gave it as a Preſent from himſelf; yet afterwards he ſaith, he told my Lord Chancellor he had it from *Awbrey*. Again, *Awbrey* ſpeaks not of any Delivery of Money himſelf to my Lord Chancellor. Then again it is urged, That a diſcontented Suitor wrote Letters to my Lord, the Letters are rejected, not hearkned unto; what doth this but free him?

In the other Caſe; if *Egerton* out of a Deſire to congratulate him at his coming to the Seal for his Kindneſſes and

Pains

Pains in former Buſineſs, what wrong hath he done, if he hath received a Preſent? And if there were a Suit depending, who keeps a Regiſter in his Heart of all Cauſes, nay, who can amongſt ſuch a Multitude? And for the 6000 *l.* there is no Colour that ever he ſhould have had any Part thereof.

For taking away the Privilege of the Nobility in requiring an Oath, he found the Court poſſeſs'd of it before he came there; ſo that we have no ſufficient Grounds to accuſe ſo great a Lord; but if we ſhall preſent Articles to the Lords, what do we (as I ſaid before) but accuſe him?

Sir *Edward Coke.* It is objected, that we have but one ſingle Witneſs, therefore no ſufficient Proof. I anſwer, that in the 37 *Eliz.* in a Complaint againſt Soldier-Sellers, *i. e.* ſuch as having Warrants to take up Soldiers for the Wars, if they preſs'd a rich Man's Son, for Money they would diſcharge him, there was no more but *ſingularis teſtis* in one Matter; but tho' they were ſingle Witneſſes in ſeveral Matters, yet agreeing in one and the ſame third Perſon, it was held ſufficient to prove a Work of Darkneſs, for in ſuch Works it is a Marvel there are any.

But

But ſome object, that theſe Men are culpable, and therefore no competent Witneſſes. I anſwer, they came not to accuſe, but were interrogated: If I be interrogated, I had rather ſpeak Truth than reſpect any Man; and you will make Bribery to be unpuniſh'd, if he who carrieth the Bribe ſhall not be a Witneſs. In this one Witneſs is ſufficient. He that accuſeth himſelf by accuſing another, is more than three Witneſſes, and this was wrought out of them.

It was ordered that the Complaint of *Awbrey* and *Egerton* againſt the Lord Chancellor and the Biſhop for Corruption for the 100 *l.* and 400. *l.* and the Recognizance ſhould be drawn up by Sir *Robert Philips*, Sir *Edward Coke*, Mr. *Noy*, and Sir *Dudley Diggs*, and be related to the Lords without Prejudice or Opinion at a Conference, and a Meſſage to be ſent for this Purpoſe on *Monday*. Adjourn'd, *&c.*

Lunæ 19 *Martii*, 1620.

A Meſſage was ſent to the Lords by Sir *Robert Philips*, to deſire a Conference with them about the Lord Chancellor and Biſhop of *Landaff*, being petitioned againſt by *Awbrey* and *Egerton*.

Sir

Sir *Robert Philips* reports that the Lords had agreed to a Conference.

Mr. Secretary *Calvert* brings a Meſſage from the King, that this Parliament hath ſat a long Time, and *Eaſter* is neat come, and it's fit there ſhould be a Ceſſation for a Time, yet the King will appoint no Time, but leaves it to your ſelves. But for the beginning again, he thinks the 10th of *April* a fit Time, but will appoint none, only he would have you take Care, that there be no Impediment in the Subſidies. The King alſo took Notice of the Complaints againſt the Lord Chancellor, for which he was ſorry: For it hath always been his Care to have placed the beſt; but no Man can prevent ſuch Accidents. But his Comfort was, that the Houſe was careful to preſerve his Honour. And his Majeſty thought not fit to have the Occaſions hang long in Suſpence, therefore would not have any Thing to hinder it; but for the Furtherance thereof, he propoſed a Commiſſion of ſix of the Higher Houſe, and twelve of the Lower Houſe to examine it upon Oath. This Propoſition, if we liked it well, he would ſend the like to the Lords; and this he thought might be done during this Ceſſation; and tho' he hoped the Chancellor was

free, yet if he ſhould be found guilty, he doubted not but you would do him Juſtice.

Sir *Edward Coke* ſaid, We ſhould take heed the Commiſſion did not hinder the Manner of our Parliamentary Proceedings.

The Anſwer returned to the King, was, rendring Thanks for the firſt Part of his Gracious Meſſage; and for the ſecond, we direct that the like Meſſage may be ſent to the Lords, for there being ſo good a Concurrence betwixt us, we may have Conference with them about it. Then Adjourn'd.

Martis 20 *Martii*, 1620.

Sir *Edward Giles* made a Motion that one *Churchill* ſhould be called in; whereupon there was a Petition of one *Montacute Wood*, *&c.* againſt my Lord Chancellor for taking 300 *l.* of the Lady *Wharton*, and making Orders, *&c.* which was read. *Churchill* and *Keeling* were ſaid to be Witneſſes, and a Committee was appointed to examine them.

Sir *Robert Philips* reports from the Conference, that according to the Commandment of this Houſe, he had delivered thoſe Heads, which were agreed on at the Conference Yeſterday, excuſing

ſing himſelf, if he had failed in any Point; That the Lords accepted it with a great deal of Affection, as ſenſible of the Wrongs of the Common-Wealth; returned Anſwer by the Lord Treaſurer, Firſt by Way of Queſtion, Whether we would not return it them in Writing? Reſolved, No, for no Cauſe, this conſiſting only of two or three Points clear and plain. Next for the Letters, and other Things which the Lords deſire would acquaint the Houſe, and doubted not but it would be yielded; That they would proceed in this Matter with Care and Diligence, and Expedition.

A Meſſage from the Lords, to ſignify that they have taken into Conſideration the laſt Conference, and ſhall need the Teſtimony of two Members of this Houſe; and therefore deſire that voluntarily, and without ordering, as private Perſons, they make Declaration upon Oath, and the like for others, if Occaſion were.

Anſwer returned, That the Gentlemen would attend voluntarily as private Men, and (upon private Notice) be examined.

Sir *Robert Philips* reports from the Committee appointed for the Examination of *Churchill*, from which Particular a Ge-

neral may be extracted, conducing to the Diſcovery of Corruption in the Lord Chancellor.

The Lady *Wharton* having a Cauſe depending in Chancery, many Orders were made in it; amongſt the reſt, there was an Order made for Diſmiſſion, by the Conſent of the Counſel on both Sides; which my Lady diſliking, took *Churchill*, the Regiſter, into her Coach, carried him to my Lord Chancellor's, and ſo wrought, that he was willed not to enter the laſt Order; ſo that my Lady was left at Liberty to proſecute it in Chancery, brought it to a Hearing, and at length got a Decree. *Keeling* being examined, ſaith, That near about the Time of paſſing this Decree, my Lady took 100 *l.* he ſaw it, and ſhe made him ſet down the Words and Stiles, which ſhe would uſe in the Delivery of it. Then ſhe goeth to *York-Houſe*, and delivered it to my Lord Chancellor, as ſhe told him. She carried it in a Purſe; my Lord asked her what ſhe had in her Hand? She ſaid, a Purſe of her own making, and preſented it to him; who took it, and ſaid, What Lord could refuſe a Purſe of ſo fair a Lady's working! After this, my Lord made a Decree for her, but it was not perfected; but

but 200 *l.* more being given, (one *Gardener* being present,) her Decree had Life. But after the giving of the 100 *l.* because she had not 200 *l.* ready in Money, one *Shute* dealt with her to pass over the Land to my Lord Chancellor, and his Heirs, reserving an Estate for Life to her self; but she knowing no Reason to disinherit her own Children, and confer it upon a Lord who had no Children, asked *Keeling*, her Man, What he thought of it? He, like an honest Servant, was against it. *Shute* knowing this, sets upon *Keeling*, and brought him to be willing my Lady should do it, with Power of Revocation upon Payment of 200 *l.* in a reasonable Time. *Keeling* lets fall some Speeches, as if he had left *York House* for the Corruption which was there, which he himself knew in Part. *Gardener*, *Keeling*'s Man, confirmed the Payment of the 300 *l.* for the Decree, *viz.* 100 *l.* before, and 200 *l.* after. This purchased Decree being lately damn'd again by my Lord Chancellor, was the Cause of this Complaint.

Keeling saith, Sir *John Trevor* did present my Lord Chancellor with 100 *l.* by the Hands of Sir *Richard Young*, for a final End to his Cause. Sir *Richard Young*

Young answer'd, That when he attended upon my Lord Chancellor, Sir *John Trevor*'s Man brought a Cabinet, and a Letter to my Lord Chancellor, and entreated me to deliver it, which I did openly; and this was openly done, and this was all I knew of it.

Sir *Edward Coke* said, It was strange to him that this Money should be thus openly deliver'd, and that one *Gardener* should be present at the Payment of the 200 *l.*

Ordered,

That Sir *Robert Philips* do deliver to the Lords this Afternoon the Bishop of *Llandaff*'s and *Awbrey*'s Letters, and all other Writings that he hath. Then adjourned.

Mercurii 21 *Martii*, 1620.

Sir *Robert Philips* reports from the Committee to examine *Keeling* and *Churchill*, who informed of many Corruptions against my Lord Chancellor. 1. In the Cause between *Hull* and *Holman*; *Hull* gave or lent my Lord 1000 *l.* since the Suit began. 2. In the Cause between *Wroth* and *Mannering*, there were 100 Pieces given, of which *Hunt* had 20 *l.* 3. *Hoddy* gave a Jewel which was thought to be worth 500 *l.* but he himself said it was a Trifle of 100 *l.* or

200 *l.*

200 *l.* Price; it was preſented to my Lord Chancellor by Sir *Thomas Peryn* and Sir *Henry Holmes*. 4. In the Cauſe between *Peacock* and *Reynell*, there was much Money given on both Sides. 5. In the Caſe of *Barker* and *Bill*; *Barker* ſaid he was 800 *l.* in Gifts ſince his Suit began. 6. In the Caſe between *Smithwick* and *Walſh*; *Smithwick* gave 300 *l.* yet my Lord decreed it againſt him, ſo he had his Money again by Piece-meal. In this and other Caſes my Lord would decree Part; and when he wanted more Money, he would ſend for more Money, and decree another Part. In moſt Cauſes my Lord's Servants have undertaken one Side or another, inſomuch as it was uſual for Counſel, when their Clients came unto them, to ask what Friend they had at *York-Houſe*.

Mr. *Meawtys*. Touching the Perſons that inform, I would entreat this honourable Houſe to conſider, that *Keeling* is a common Sollicitor, (to ſay no more of him;) *Churchill* a guilty Regiſter by his own Confeſſion. I know that Fear of Puniſhment, and Hopes of leſſening it, may make them to ſay much, yea, more than is Truth. For my own Part, I muſt ſay, I have been an Obſerver of my Lord's Proceedings; I know he hath

ſown

ſown a good Seed of Juſtice, and I hope that it will prove, that the envious Man hath ſown theſe Tares. I humbly deſire that thoſe Generals may not be ſent up to the Lords, unleſs theſe Men will teſtify them in Particular.

Ordered,

That a Meſſage be ſent to the Lords by Sir *Robert Philips* to relate the Caſe of the Lady *Wharton*, and the Informations of *Churchill*.

Sir *Robert Philips* reports from the Lords, that they acknowledged the great Care of this Houſe in theſe important Buſineſſes; Thanks for the Correſpondence of this Houſe with them, aſſure the like from them for ever to this Houſe. In theſe and all other Things will adviſe, and return Anſwer as ſoon as poſſible. Then adjourned.

Jovis 3 *Maii*, 1621.

A Meſſage from the Lords, that they were ready to pronounce Sentence againſt the late Lord Chancellor, if it pleaſed the Houſe with the Speaker to come and demand Judgment.

So the Houſe went up, and the Speaker demanded Judgment,

The Lord Chief Juſtice (being Speaker in the Higher Houſe) ſaid, that the Lords

Lords had duly conſidered of the Complaints preſented by the Commons againſt the Lord *Verulam*, Viſcount St. *Albans*, late Lord Chancellor, and have found him guilty, as well by Oath of Witneſſes, as by his own Confeſſion, of thoſe and many other Corruptions, for which they have ſent for him to come and anſwer; and upon his ſincere Proteſtation of Sickneſs, we admitting his Excuſe of Abſence, have yet notwithſtanding proceeded to his Judgment, *viz.*

That he be fined 40000 *l.* to be impriſoned in the Tower during the King's Pleaſure, made incapable to bear Office in the Common-Wealth, never to ſit in Parliament, nor to come within the Verge, which is within twelve Miles, of the Court.

The Humble Submiſſion and Supplication of the Lord Chancellor *BACON* to the Houſe of LORDS.

May it pleaſe your Lordſhips,

I Shall humbly crave at your Hands a benign Interpretation of that which I ſhall now write: For Words that come from waſted Spirits, and oppreſſed Minds, are more ſafe in being depoſited to a noble Conſtruction, than being circled with any reſerved Caution.

This being moved (and, as I hope, obtained of your Lordſhips) as a Protection to all that I ſhall ſay, I ſhall go on; but with a very ſtrange Entrance, as may ſeem to your Lordſhips, at firſt: For, in the midſt of a State of as great Affliction as, I think, a mortal Man can endure; (Honour being above Life)

I ſhall begin with the profeſſing of Gladneſs in ſome Things.

The firſt is, That hereafter the Greatneſs of a Judge or Magiſtrate ſhall be no Sanctuary or Protection to him againſt Guiltineſs, which is the Beginning of a golden Work.

The next, That after this Example, it is like that Judges will fly from any Thing in the Likeneſs of Corruption (though it were at a great Diſtance) as from a Serpent; which tends to the purging of the Courts of Juſtice, and reducing them to their true Honour and Splendour. And in theſe two Points, (God is my Witneſs) though it be my Fortune to be the Anvil upon which theſe two Effects are broken and wrought, I take no ſmall Comfort. But to paſs from the Motions of my Heart (whereof God is my Judge) to the Merits of my Cauſe, whereof your Lordſhips are Judges, under God and his Lieutenant; I do underſtand there hath been heretofore expected from me ſome Juſtification; and therefore I have choſen one only Juſtification, inſtead of all others, out of the Juſtification of *Job*. For after the clear Submiſſion and Confeſſion which I ſhall now make unto your Lordſhips, I hope I may ſay, and juſtify with

Job, in these Words, *I have not hid my Sin, as did* Adam, *nor concealed my Faults in my Bosom.* This is the only Justification which I will use.

It resteth therefore, that without Fig-leaves I do ingeniously confess and acknowledge, that having understood the Particulars of the Charge, not formally from the House, but enough to inform my Conscience and Memory: I find Matter sufficient and full, both to move me to desert my Defence, and to move your Lordships to condemn and censure me. Neither will I trouble your Lordships by singling these Particulars which I think might fall off. *Quid te exempta juvat spinis de pluribus uva?* Neither will I prompt your Lordships to observe upon the Proofs where they come not home, or the Scruple touching the Credits of the Witnesses. Neither will I represent to your Lordships, how far a Defence might, in divers Things, extenuate the Offence, in respect of the time and manner of the Guilt, or the like Circumstances; but only leave these Things to spring out of your more noble Thoughts and Observations of the Evidence, and Examinations themselves, and charitably to wind about the Particulars of the Charge, here and there,

as

as God ſhall put into your Mind, and ſo ſubmit my ſelf wholly to your Piety and Grace.

And now I have ſpoken to your Lordſhips as Judges, I ſhall ſay a few Words unto you as Peers and Prelates, humbly commending my Cauſe to your noble Minds, and magnanimous Affections.

Your Lordſhips are not ſimply Judges, but Parliamentary Judges; you have a further Extent of Arbitrary Power than other Courts; and if you be not tied by ordinary Courſe of Courts, or Precedents, in Points of Strictneſs and Severity, much leſs in Points of Mercy and Mitigation: And yet if any Thing which I ſhall move, might be contrary to your honourable and worthy End, (the introducing a Reformation) I ſhould not ſeek it. But herein I beſeech your Lordſhips to give me leave to tell you a Story.

Titus Manlius took his Sons Life, for giving Battle againſt the Prohibition of his General: Not many Years after, the like Severity was purſued by *Papirius Curſor*, the Dictator againſt *Quintus Maximus*; who being upon the Point to be ſentenced, was, by the Interceſſion of ſome particular Perſons of the Senate,

Senate, ſpared: Whereupon *Livy* maketh this grave and gracious Obſervation, *Neque minus firmata eſt Diſciplina Militaris periculo* Quinti Maximi, *quam miſerabili ſupplicio* Titi Manlii. The Diſcipline of War was no leſs eſtabliſhed by the queſtioning of *Quintus Maximus*, than by the Puniſhment of *Titus Manlius*. And the ſame Reaſon is in the Reformation of Juſtice; for the queſtioning of Men in eminent Places, hath the ſame Terror, though not the ſame Rigour with the Puniſhment. But my Cauſe ſtays not there; for my humble Deſire is, That his Majeſty would take the Seal into his Hands; which is a great Downfall, and may ſerve, I hope, in it ſelf, for an Expiation of my Faults.

Therefore, if Mercy and Mitigation be in your Lordſhips Power, and no Way croſs your Ends, why ſhould I not hope of your Favour and Commiſeration? Your Lordſhips will be pleaſed to behold your chief Pattern, the King our Sovereign, a King of incomparable Clemency, and whoſe Heart is inſtructable for Wiſdom and Goodneſs; and your Lordſhips will remember, there ſate not theſe hundred Years before, a Prince in your Houſe, and never ſuch a

Prince,

Prince, whoſe Preſence deſerveth to be made memorable by Records, and Acts mix'd of Mercy and Juſtice. Yourſelves are either Nobles, (and Compaſſion ever beateth in the Veins of noble Blood,) or Reverend Prelates, who are the Servants of him that would not break the bruiſed Reed, or quench the ſmoaking Flax. You all ſit upon a high Stage, and therefore cannot but be ſenſible of the Change of humane Conditions, and of the Fall of any from high Place.

Neither will your Lordſhips forget, that there are *Vitia temporis*, as well as *Vitia hominis*; and the Beginning of Reformation hath the contrary Power to the Pool of *Betheſda*; for that had Strength to cure him only that was firſt caſt in, and this hath Strength to hurt him only that is firſt caſt in; and for my Part, I wiſh it may ſtay there, and go no farther.

Laſtly, I aſſure my ſelf, your Lordſhips have a noble Feeling of me, as a Member of your own Body, and one that in this very Seſſion had ſome Taſte of your loving Affections, which, I hope, was not a Lightning before the Death of them, but rather a Spark of that Grace, which now in the Concluſion will more appear: And therefore my humble

humble Suit to your Lordships is, That my penitent Submission may be my Sentence, the Loss of my Seal my Punishment, and that your Lordships would recommend me to his Majesty's Grace and Pardon for all that is past. God's Holy Spirit be among you.

FINIS.